

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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OMAR MINUS,

Plaintiff,

-against-

17 **CIVIL** 4623 (JMF)

JUDGMENT

OFFICER BRIAN BENVENUTO and OFFICER
JOSPEH TENNARIELLO,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated February 10, 2022, Plaintiff failed to appear at trial this morning at 9:30 a.m. Plaintiff had been repeatedly warned, including in person at the final pretrial conference on February 8, 2022, that "if he fails to appear for trial, his remaining claim will be dismissed for failure to prosecute and/or as abandoned." Accordingly, and for the reasons stated on the record, the case is dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. See, e.g., *Lewis v. Rawson*, 564 F.3d 569, 580 (2d Cir. 2009) ("It is beyond dispute under our precedent that a district court may dismiss a case under Rule 41(b) when the plaintiff refuses to go forward with a properly scheduled trial." Judgment is entered in favor of Defendants; accordingly, the case is closed.

Dated: New York, New York

February 10, 2022

RUBY J. KRAJICK

BY:

Clerk of Court

K. mango

Deputy Clerk